IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL WRIT PETITION NO.459 OF 2007

Mr.Swaran Malathy Bose ...Petitioner.
V/s.
Mrs.Radhika Nair Nee Bose & Anr. ...Respondents.

Mrs.Kokila Kalra, adv. for the Petitioner.
Mr.Abhijit Sarwate for the Respondent No.1.
Ms.S.V.Gajare, APP for the State.

CORAM: J.H.BHATIA, J.
DATE : 16th March, 2007.

P.C.:

1. Heard Ms.Kokila, the learned counsel for the petitioner and Mr.Sarwate, the learned counsel for the respondent no.1.

2. Leave granted to amend regular criminal case number in prayer clauses (b) and (c). Amendment be effected immediately.

3. The respondent no.1 is a wife of the petitioner. On her report lodged with the police, charge-sheet was filed against the present petitioner and it came to be registered as Regular Criminal Case No.2546 of 2006 before the J.M.F.C., 5th Court, Pune for the offence punishable under Section 498A, 323 and 504 of the I.P.C. The petitioner by this petition seeks to

quash the said proceeding on the ground that husband and wife have amicably settled the disputes and they have also filed a petition under Section 13(B) of the Hindu Marriage Act before the Family Court, Pune for divorce by mutual consent. The final order in that petition has to be passed only after criminal case is quashed or disposed off. Mr.Sarvate, the learned counsel for the respondent no.1 has no objection to quash the said proceeding in view of amicable settlement.

4. Therefore, petition is allowed in terms of prayer clause (b).

(J.H.Bhatia,J.)